



DONALD L. WOLFE, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

REFER TO FILE: **WR-2**

May 1, 2007

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**BIG TUJUNGA WASH MITIGATION BANK  
AWARD CONSULTANT SERVICES AGREEMENT  
SUPERVISORIAL DISTRICT 5  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY  
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

Award and authorize the Chief Engineer of the Los Angeles County Flood Control District (District), or his designee, to execute a Consultant Services Agreement with ECORP Consulting to perform biological services to comply with the Master Mitigation Plan (MMP) and Long-Term Monitoring and Maintenance Plan for the Big Tujunga Wash Mitigation Bank for a not to exceed fee of \$1,110,000 over a three-year term, including a base fee of \$924,991 and \$185,009 for unforeseen work, to be funded by the Fiscal Year 2006-07 Flood Control District budget and to establish the effective contract date following your Board's approval.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

We are recommending that your Board approve the above recommendations, which will provide monitoring and maintenance of the mitigation bank and retain mitigation credit eligibility for future flood control projects.

The 207-acre mitigation bank was purchased in 1998 by the District. The purpose of the purchase was to establish a mitigation bank that would enable the District to obtain mitigation credits from several regulatory agencies to offset impacts from flood control projects within the District's boundaries. In order to secure mitigation credits, the bank has to be maintained perpetually (or 99 years) by either Public Works or a creditable organization funded by Public Works. We have currently utilized 80 acres of credit.

On June 20, 2000, your Board authorized a five-year Agreement with Chambers Group, Inc., to implement, maintain, and monitor the enhancement measures of the MMP. The scope of work of the MMP also included the preparation of the Long-Term Monitoring and Maintenance Plan. In 2006, the contract was extended for another year in order to efficiently continue the required tasks of the MMP using the remaining funds for the contract.

The new biological services Agreement will satisfy the requirements of the regulatory agencies.

### **Implementation of Strategic Plan Goals**

Awarding this Agreement will meet the County Strategic Plan Goal of Service Excellence by enabling Public Works to undertake and maintain projects and protect public health and safety. This project will also meet the County Strategic Plan Goal of Organizational Effectiveness because expertise and experience to perform the required services are not currently available in Public Works.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County's General Fund. Funding for this Agreement is available in the Fiscal Year 2006-07 Flood Control District budget.

The total cost of the tasks required under this Agreement is \$1,110,000 for a three-year period. This includes a base fee of \$924,991 to implement, maintain, and monitor the enhancement measures of the MMP and Long-Term Monitoring and Maintenance Plan and \$185,009 for additional services that may be necessary as the work progresses.

### **FACTS AND PROVISIONAL/LEGAL REQUIREMENTS**

Government Code Section 31000 authorizes the County to contract for special services, including engineering services.

A standard Consultant Services Agreement, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for termination of services, renegotiations, and hiring qualified displaced County employees will be included. The prices are fixed for the entire term of the Consultant Services Agreement, and there are no provisions for any cost of living increases.

As required by your Board, language has been incorporated into the Agreement stating that the consultant shall notify its employees, and shall require each subconsultant to notify its employees, about Board Policy 5.135, the Safely Surrendered Baby Law, and that they may be eligible for the Federal Earned Income Credit under the Federal income tax laws.

Public Works has evaluated and determined that the Living Wage Program (County Code Chapter 2.201) does not apply to the recommended Agreement as this Agreement is for non-Proposition A services.

As requested by your Board on August 12, 1997, and as a threshold requirement for consideration for contract award, ECORP Consulting is willing to consider Greater Avenues for Independence Program/General Relief Opportunity for Work participants for future employment.

ECORP Consulting is in full compliance with Los Angeles County Code Chapter 2.200 (Child Support Compliance Program) and Chapter 2.203 (Contractor Employee Jury Service Program).

## **ENVIRONMENTAL DOCUMENTATION**

This project of maintenance and enhancement measures to preserve and restore the Big Tujunga Wash Mitigation Bank site is categorically exempt pursuant to the following, in accordance with the Revised Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987: Class 1, Subsection (f); Class 4, Subsection (c); Class 7; and Class 8. In addition, this project is categorically exempt pursuant to Article 19, Sections §15301(c), §15301(d), §15301(h), §15301(i), §15304(d), §15307, and §15308 of Title 14 of the California Code of Regulations, CEQA Guidelines.

### **CONTRACTING PROCESS**

Public Works maintains a database of prequalified consultants for engineering and environmental services, which is the main source of soliciting proposals. As requested by your Board on February 3, 1998, and to further increase awareness of contracting opportunities with Public Works, a request for qualifications for these services is listed on the County's "Doing Business With Us" website.

On December 14, 2006, the Request for Proposals (RFP) was posted on Public Works' website and also distributed to five consulting firms. These firms were selected due to their experience in the preparation and implementation of mitigation projects, habitat restoration plans, and public relations.

On January 22, 2007, five firms submitted detailed written proposals responding to the RFP. After careful study and evaluation of these proposals, these evaluations were completed without regard to race, creed, color, or gender. Based on this evaluation, Public Works selected ECORP Consulting as the best qualified to perform these services. The negotiated fees have been reviewed by Public Works and are considered reasonable for the services provided.

Participation by Community Business Enterprises (CBEs) in the project is encouraged through Public Works' CBE Outreach Program and the requirement that consultants demonstrate their good faith efforts to utilize CBEs. ECORP Consulting is aware of our CBE Outreach Program, and its proposed CBE participation is on file with Public Works. To ensure the Agreement is awarded to a responsible consultant with a satisfactory performance history, consultants were required to report violations of the False Claims Act, their civil litigation history, and information regarding prior criminal convictions.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The project will have no adverse impact on current services.

The project to be performed under the terms of this Agreement is anticipated to have a positive impact on current services. The project will provide Public Works with a viable mitigation bank to offset environmental impacts from past, current, and future Public Works flood control projects.

The Honorable Board of Supervisors  
May 1, 2007  
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**CONCLUSION**

Please return three adopted copies of this letter to Public Works.

Respectfully submitted,

DONALD L. WOLFE  
Director of Public Works

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Enc.

cc: Chief Administrative Office  
County Counsel  
Department of Public Social Services (GAIN/GROW Program)